

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Pablo and Eunice Rivera

Case No.: _____

Judge: _____

Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Original | <input type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required | <input type="checkbox"/> No Discharge Sought |

Date: 4/7/17

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 655.00 per month to the Chapter 13 Trustee, starting on May 1, 2017 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Law Offices of Seymour Wasserstrum	Attorney Fees	\$2,960.00
IRS	Taxes	\$0.00 - notice only
State of New Jersey	Taxes	\$0.00 - notice only

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan
FNA Jersey BOI, LLC	105 E. Atlantic Ave Minotola, NJ 08341	\$20,496.93 (interest included)
FNA Jersey BOI, LLC	105 E. Atlantic Ave Minotola, NJ 08341	\$4,405.94 (interest included)

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ 0.00 to be distributed *pro rata*
- ☐ Not less than 100 percent
- ☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Priority Claims
- 3) Secured Claims
- 4) Unsecured Claims

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: _____.

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 4/7/17

/s/ Seymour Wasserstrum
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 4/7/17

/s/ Pablo Rivera
Debtor

Date: 4/7/17

/s/ Eunice Rivera
Joint Debtor

Certificate of Notice Page 8 of 9

United States Bankruptcy Court
District of New JerseyIn re:
Pablo Rivera
Eunice Rivera
DebtorsCase No. 17-17208-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 27

Date Rcvd: Apr 11, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 13, 2017.

db/jdb
516758539 +Pablo Rivera, Eunice Rivera, 105 E. Atlantic Ave, Minotola, NJ 08341-1271
516758540 Accounts Receivable Management, PO Box 129, Thorofare, NJ 08086-0129
+Anthony L Velasquez, Esq, Corporate Counsel, Tryko Partners,
575 Rt 70, 2nd Floor, PO Box 1030, C/O: FNA Jersey BOI. LLC, Brick, NJ 08723-0090
516758542 +Appearance Dermatology, 2466 E. Chestnut Avenue, Vineland, NJ 08361-8486
516758544 Capital One Bank, PO Box 70884, Charlotte, NC 28272-0884
516758547 Elmer Emergency Physicians, 155 Mid Atlantic Parkway, Thorofare, NJ 8086
516758548 +Financial Recoveries, 200 E Park Dr STE 100, Mt Laurel, NJ 08054-1297
516758549 +Fna Jersey Lien Services, LLC, 575 Route 70, Brick, NJ 08723-4042
516758551 +Genesis Financial Solution, 8705 SW Nimbus Ave Ste 300, Beaverton, OR 97008-4038
516758552 +HSBC, PO Box 4169, Carol Stream, IL 60197-4169
516758554 IRS, PO Box 725, Special Procedures Function, Springfield, NJ 7081
516758557 Kennedy Health System, PO Box 48023, Newark, NJ 07101-4823
516758561 Office Of Attorney General, 25 Market Street, PO Box 112, Richard J Hughes Justice Complex,
Trenton, NJ 08625-0112
516758564 +Premier Bankcard Inc., 3820 N. Louise Ave., Souix Falls, SD 57107-0145
516758565 SJ Emergency Physicians, PO Box 129, Attn: Accounts Receivable Management Inc,
Thorofare, NJ 08086-0129
516758566 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: State Of New Jersey, P.O. Box 245,
Dept Of Treasury-Division Of Taxation, Trenton, NJ 08695-0245)
516758567 +Thomas M Murtha, Esq, 120 Corporate Blvd, Norfolk, VA 23502-4952

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
smg E-mail/Text: usanj.njbankr@usdoj.gov Apr 11 2017 22:48:25 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Apr 11 2017 22:48:22 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235
516758545 E-mail/Text: bankruptcy@cavps.com Apr 11 2017 22:48:42 Cavalry Portfolio Service,
PO Box 27288, Tempe, AZ 85285
516758546 E-mail/Text: creditonebknotifications@resurgent.com Apr 11 2017 22:47:42 Credit One Bank,
P.O. Box 98872, Las Vegas, NV 89193-8872
516758553 E-mail/Text: cio.bncmail@irs.gov Apr 11 2017 22:47:53 IRS, PO Box 744,
Springfield, NJ 07081-0744
516758556 E-mail/Text: JCAP_BNC_Notices@jcap.com Apr 11 2017 22:48:38 Jefferson Capital,
16 McLeland Rd, Saint Cloud, MN 56303
516758558 +E-mail/Text: bankruptcydpt@mcmcg.com Apr 11 2017 22:48:21 Midland Credit Management,
8875 Aero Drive, San Diego, CA 92123-2255
516758560 +E-mail/Text: bankruptcydpt@mcmcg.com Apr 11 2017 22:48:21 Midland Funding,
8875 Aero Dr, Ste 200, San Diego, CA 92123-2255
516758563 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 11 2017 22:51:05
Portfolio Recovery, 120 Corporate Blvd Ste 1, Norfolk, VA 23502
516758562 +E-mail/Text: ebn@vativrecovery.com Apr 11 2017 22:48:08 Palisades Acquisition IX LLC,
P.O. Box 40728, Houston, TX 77240-0728

TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516758541* +Anthony L. Velasquez, ESQ, Corporate Counsel, Tryko Partners,
575 Rt. 70, 2nd Floor PO Box 1030, C/O:FNA Jersey BOI. LLC, Brick, NJ 08723-0090
516758550* +Fna Jersey Lien Services, LLC, 575 Route 70, Brick, NJ 08723-4042
516758555* +Irs, P.O. Box 7346, Philadelphia, PA 19101-7346
516758559* +Midland Credit Management, 8875 Aero Drive, San Diego, CA 92123-2255
516758543 ##+Bank Of America, P.O.Box 17054, Wilmington, DE 19850-7054

TOTALS: 0, * 4, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 27

Date Rcvd: Apr 11, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 13, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 10, 2017 at the address(es) listed below:

Seymour Wasserstrum on behalf of Joint Debtor Eunice Rivera mylawyer7@aol.com,
ecf@seymourlaw.net

Seymour Wasserstrum on behalf of Debtor Pablo Rivera mylawyer7@aol.com, ecf@seymourlaw.net
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 3